

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11524 of 2025

Arising Out of PS. Case No.-66 Year-2019 Thana- NADI P.S. District- Patna

1. Bijendra Yadav @ Bijendra Rai Son of Jai Babu Rai Resident of Village - Jethuli, P.S. - Nadi, District - Patna.
2. Satyendra Yadav @ Satyendra Rai Son of Jai Babu Rai Resident of Village - Jethuli, P.S. - Nadi, District - Patna.
3. Bhushan Yadav @ Bhushan Kumar Son of Jai Babu Rai Resident of Village - Jethuli, P.S. - Nadi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Nadi P.S. Case No. 66 of 2019 dated 14.03.2019 for the offence/s punishable u/s 30(a), (d) of the Bihar Prohibition and Excise Act.

3. The accusation is that in course of arresting the accused and conducting raid, the informant along with other police personnel reached village-Jethuli. On seeing the police party, some persons started to flee away but, on chase, one person was apprehended who disclosed his name as Laxman



Rao. On query, he disclosed that he had carried the liquor of Vishwanath Rai, Bijendra Yadav (petitioner no.1), Satyendra Yadav (petitioner no.2), Bhushan Yadav (petitioner no.3), Subash Rai and Ajay Rai and the same has been kept in the house of Vishwanath Rai. Thereafter, the house of Vishwanath Rai was searched from where 192 bottles, each containing 180 ml. Indian Made Foreign Liquor, 336 bottles, each containing 375 ml. Indian Made Foreign Liquor, 300 bottles, each containing 750 ml. Indian Made Foreign Liquor, and one Maruti Suzuki VXI Wagon R car bearing Registration No.BR01DD-8686 were recovered.

4. Learned counsel for the petitioners submits that on the basis of the disclosure of apprehended accused K. Laxman Rao, the alleged recovery was made from the house of Vishwanath Rai but he disclosed the name of the petitioners. No incriminating material has been recovered from the conscious possession of the petitioners. The co-accused, namely, Ashok Kumar @ Ashok Yadav has already been granted anticipatory bail by the co-ordinate bench *vide* order dated 22.08.2019 passed in Cr. Misc. No. 34436 of 2019. Learned counsel has submitted that no case is made out against the petitioners. Learned Counsel has relied on the judgment of Full Bench of



Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar 2019 (2) PLJR 1089**. The Full Bench in the case of **Ram Vinay Yadav (supra)** has held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76 (2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners by submitting that the bar of Section 76(2) of the Act applies in this case.

6. Considering the aforesaid facts and circumstances of the case as well as the material available on the record, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna City in connection with Nadi P.S. Case No. 66 of 2019, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(i) The petitioners are directed to remain physically



present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bonds of the petitioners are liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

ajay/-

U		T	
---	--	---	--

